

Exhibit 4

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

DOLORES LOZANO,

Plaintiff,

v.

BAYLOR UNIVERSITY, ART BRILES, and
IAN MCCAOW

Defendants.

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CIVIL ACTION NO. 6:16-CV-00403-RP

DEFENDANT BAYLOR UNIVERSITY'S TRIAL EXHIBIT LIST

TO THE HONORABLE JUDGE ROBERT PITMAN:

Defendant Baylor University (sometimes referred to as the “University”) submits the following list of trial exhibits. Whether the University offers a particular exhibit will depend upon the Court’s ruling on the parties’ motions in limine, witness testimony at trial, and the admission of exhibits offered by Plaintiff Dolores Lozano other parties.

A. Exhibits Baylor University Expects to Offer

<u>Exh. No.</u>	<u>Beg. Bates No.</u>	<u>End Bates No.</u>	<u>Description</u>	<u>Offer</u>	<u>Admit</u>
1	PH_0307788	PH_0307795	BU-PP 028: Civil Rights Policy (Rev. January 15, 2007)		
2	BU_Lozano_0004054	BU_Lozano_0004054	2010 Baylor University – Student Policies & Procedures: Policy on Civil Rights		
3	BU_Lozano_0004060	BU_Lozano_0004060	2010-2013 Baylor University Student Policies & Procedures: Policy on Sexual Harassment		
4	PH_0177576		Campus Life Mid-Year Report (July 30, 2010)		

5	BU_Lozano_0003557	BU_Lozano_0003558	2010-11 Student Code of Conduct		
6	PH_0382682	PH_0382685	CL&L 2010 Fall Training Conference Schedule (August 11, 2010)		
7	BU_Lozano_0000628	BU_Lozano_0000629	Email thread between Martha Lou Scott and Baylor Administrators regarding "Report It!" Website going live and being accessible to students and parents		
8	BU_0002833	BU_0002833	BUPD Website Student Options Following Sexual Assault		
9	BU_Lozano_0000183	BU_Lozano_0000183	Baylor University Counseling Center Sexual Assault Response Team Protocol		
10	BU_Lozano_0000193	BU_Lozano_0000193	Baylor University Health Center After-Hours Protocol		
11	BU_Lozano_0000722	BU_Lozano_0000784	Campus Life Mid-Year Report Fall 2010 (December 17, 2010)		
12	BU_Lozano_0000600	BU_Lozano_0000603	The Baylor Lariat: A light in the dark: Bear sheds light on domestic violence at Take Back the Night, March 24, 2011		
13	BU_Lozano_0001683	BU_Lozano_0001683	2010-11 Judicial Affairs Annual Statistics		
14	BU_Lozano_0002461	BU_Lozano_0002490	2010-11 Sexual Assault Work Team Report		
15	BU_Lozano_0002856	BU_Lozano_0002877	2011-2012 Crisis Management Response Procedure Handbook		
16	PH_0388822	PH_0388822	New Faculty Orientation presentation by Sinda Vanderpool, Kevin Jackson, Brandon Miller, Jim Marsh, and Burt Burleson that includes page (78) on the "Report It!" Website		

17	BU_Lozano_0012473	BU_Lozano_00124787	Baylor University Personnel Policies and Procedures – Department of Athletics (Rev. 9/14/2011)		
18	BU_Lozano_0003556	BU_Lozano_0003556	BUPD: Reporting a Crime Website – 9/22/2011		
19	BU_Lozano_0001163	BU_Lozano_0001165	Email from M.L. Scott regarding “Breaking the Silence” program		
20	BU_Lozano_0001530	BU_Lozano_0001533	2011-2012 Campus Security Report and Annual Student Life Notification Email to Current Students/Staff		
21	PH_0936789	PH_0936793	Baylor Division of Student Life Newsletter		
22	BU_Lozano_0001209 BU_Lozano_0001212	BU_Lozano_0001213	Email from S. Risinger to Baylor Administrators attaching Sexual Assault Reference Card		
23	PH_0200191	PH_0200192	BUPD Incident report no. Y-0895 involving D. Lozano and roommate		
24	PH_0203226	PH_0203229	Email from B. McCraw to M. L. Scott and J. Whelan regarding use of "Know of Your Rights" with sexual assault victims		
25	BU_Lozano_0001684	BU_Lozano_0001684	2011-12 Judicial Affairs Annual Statistics		
26	BU_Lozano_0001229	BU_Lozano_0001233	June 2012 Orientation session includes healthy vs. unhealthy relationships, bystander intervention, and sexual assault-risk-reduction strategies.		
27	PH_0206866	PH_0206866	B. McCraw email to J. Whelan regarding Title IX discussion during orientation.		
28	BU_Lozano_0078238	BU_Lozano_0078251	2012 CL&L “Summer Institute” for RDs		

29	PH_0208053	PH_0208053	2012-13 B. McCraw's Baylor Community Expectations Presentation at Athletics Orientation		
30	PH_1875451	PH_1875504	2012-13 Athletics Handbook		
31			Email from Bethany McCraw regarding Sexual Assault Education Programs as of 8/30/2012		
	PH_0211345	PH_0211345			
32	BU_Lozano_0003771	BU_Lozano_0003775	2012-2013 Campus Security Report and Annual Student Life Notification Email to Current Students		
33	BU_Lozano_0002933	BU_Lozano_0002988	Oct 10, 2012 K. Kazadi Email to A. Briles and C. Shillinglaw		
34	BU_Lozano_0076234	BU_Lozano_76238	Emails between D. Lozano and D. Murdock regarding cyberbullying		
35	CITY 000571	CITY 000571	L. Lozano email to B. Stroman (Waco PD) regarding D. Lozano's "road rage" incident		
36	BU_Lozano 0011181	BU_Lozano 0011182	June 14, 2013 Memorandum from K. Starr to K. Jackson and C Beckenhauer establishing task force for Administrative Review of Sexual Violence Policies and Practices		
37	BU_Lozano_0001523	BU_Lozano_0001525	2012-13 Wellness End of Year Report		
38	BU_Lozano_0000106	BU_Lozano_0000140	2013-14 Student Athlete Handbook		
39	BU_Lozano_0000645	BU_Lozano_0000646	2013-2014 "Report It!" Folder		
40	BU_Lozano_0001450	BU_Lozano_0001450	Letter to Students regarding "Step Up and Speak Out," "Report It!" and "Know Your Rights"		

41	PH_0270195	PH_0270310	2013-14 Crisis Management Response Procedure Handbook		
42	BU_Lozano_0078267	BU_Lozano_0078267	August 5, 2013 Letter from C Wooten to residence hall directors		
43	BU_Lozano_0078272	BU_Lozano_0078297	2013 Fall Campus Leader (CL) Training RHD Playbook		
44	BU_Lozano_0078235	BU_Lozano_0078237	Fall 20123 sexual assault case study for CL&L		
45	BU_Lozano_0000658	BU_Lozano_0000660	The Baylor Lariat: Baylor implements new sexual assault prevention campaign, September 6, 2013		
46	BU_Lozano_0005276	BU_Lozano_0005280	2013-2014 Campus Security Report and Annual Student Life Notification Email to Current Faculty/Staff		
47	BU_Lozano_0000355 BU_Lozano_0000373	BU_Lozano_0000383	2013 Baylor University Annual Fire Safety and Security Report		
48	PH_0247209	PH_0247217	November 8, 2013 Email Circulating Materials for Task Force Meeting		
49	CITY 000648	CITY 000651	Waco PD police report no. 13-23170 involving D. Lozano and roommate		
50	PH_0348972; PH_0348977		The Baylor Lariat: Sex, Violation, Power (Part 3 of 4), December 5, 2013		
51	BU_Lozano_0003310	BU_Lozano_0003310	Email from I McCaw to N Post regarding Sexual Assault Awareness Video		
52	PH_1139378	PH_1139416	Email from K. Jackson to senior Baylor administrators circulating January 2014 White House Report on sexual violence		

53	DL000137	DL000139	Photographs of female person with metadata indicating date and time of photographs March 6, 2014, 11:06 PM March 7, 2014 11:45 AM March 10, 2014 2:18 PM		
54	DL000127	DL000133	Seven (7) color photographs of female person		
55	BU_Lozano_078979	BU_Lozano_078980	2014 Judicial Affairs Sexual Harassment and Assault Website		
56	PH_0257729	PH_0257731	Email re DRAFT – Sexual Assault Reporting Flow Chart		
57	BU_Lozano_0001477	BU_Lozano_0001483	2014 Updates to Judicial Affairs disciplinary procedures website		
58	BU_Lozano_0009041	BU_Lozano_0009043	Baylor University Health Services Clinic Notes for D. Lozano		
59	BU_Lozano_0009034	BU_Lozano_0009039	Baylor University Counseling Center Records for D. Lozano		
60	BU_Lozano_0002248 BU_Lozano_0002249 BU_Lozano_0002250 BU_Lozano_0002251 BU_Lozano_0002252 BU_Lozano_0002253 BU_Lozano_0002254		Text messages between L. Lozano and C. Shillinglaw		
61	DL000143	DL000145	Facebook Messages between D. Lozano and J. Hollingsworth		
62	BU_Lozano_0001731	BU_Lozano_0001731	Email from M. L. Scott to S. Dorrell and B. McCraw regarding D. Lozano		
63	BU_Lozano_0009047	BU_Lozano_0009049	Baylor University Health Services - Hillcrest Imaging Center Radiology Report for D. Lozano		
64	BU_Lozano_0001737	BU_Lozano_0001738	Email from M. L. Scott to J. Doak regarding D. Lozano		

65	BU_Lozano 0078752	BU_Lozano 0078752	Student Conduct Administration Filed For Future Reference form regarding Devin Chafin		
66	BU-Lozano 0078834	BU-Lozano 00788345	Student Conduct Administration file copy of M. Scott emails to B. McCraw (April 10, 2014) regarding an altercation involving Lozano and Chafin		
67	CITY 000618	CITY 000643	Waco PD Incident Report No. 14-7098		
68	CITY 000626	CITY 000631	Photographs D. Lozano provided to Waco PD		
69	BU_Lozano_0001756	BU_Lozano_0001759	Email chain between S. Dorrell, M. L. Scott and B. McCraw regarding D. Lozano		
70	PH_0002346	PH_0002346	S. Dorrell calendar entry for appointment with D. Lozano on 4/17/2014		
71	PH_0002349	PH_0002349	S. Dorrell email to D. Lozano regarding missed 4/17/2014 appointment		
72	DL000136	DL000136	Business Card with handwritten contact information for B. McCraw		
73	BU_Lozano_0075885	BU_Lozano_0075885	S. Dorrell's case manager notes regarding D. Lozano		
74	BU_Lozano_0001781	BU_Lozano_0001785	Email thread between B. McCraw, S. Dorrell, and M. L. Scott regarding encouraging D. Lozano to make appointment with Judicial Affairs		
75	BU_Lozano 0078815	BU_Lozano 0078819	Email thread between B McCraw and S. Ritter regarding no contact from complainant w/ handwritten notes 6/5/2014		

76	BU_Lozano 0078808	BU_Lozano 0078810	Email thread between B. McCraw and B. Howell regarding Waco PD needing to speak to D. Lozano with B. McCraw handwritten notes		
77	BU_Lozano_0075920	BU_Lozano_0075922	Email thread between B. McCraw and B. Howell with update on D. Lozano Police report		
78	BU_Lozano_0001797	BU_Lozano_0001800	Email thread between B. McCraw, S. Dorrell, and M. L. Scott regarding D. Lozano, with update on police report		
79	DL000014	DL000015	Email thread between D. Lozano and Professor D. Rainer regarding extra credit assignments and opportunity to improve grade in class		
80	DL000201	DL000203	Facebook Messages between D. Lozano and D. Chafin		
81	DL000012	DL000012	Email thread between D. Lozano and Professor C. Caviness regarding grade adjustment and professor conversations with M. L. Scott		
82	BU_Lozano_0001687	BU_Lozano_0001688	D. Lozano's Official Baylor University Transcript		
83	BU_Lozano_0001828	BU_Lozano_0001829	Bethany McCraw email to Kimo Cummings/David Murdock regarding Dolores Lozano		
84	DL000135	DL000135	Facebook Messenger messages between D. Lozano and J. K. Chafin		
85	CITY 000637	CITY 000643	Waco PD Incident Report regarding D. Lozano complaint about J. Kerr		

86	Dolores Lozano Deposition, Exhibit 21		Plaintiff's Original Petition, <i>Dolores Lozano and Johnny Joe Ramos, Jr. vs. Eolalio Grande and Jose Alexander Grande</i> , Cause No. 2015-34212, In the District Court of Harris County, Texas, 189th Judicial District		
87	DL000142	DL000142	Text messages between D. Lozano and J. Lebby		
88	BU_Lozano_0001462	BU_Lozano_0001464	Email thread between D. Lozano and W. Yearly dated August 8-10, 2015		
89	DL000090	DL000090	D. Lozano's Cover Letter to K. Rudolph, Associate Director of Admissions Communications, Baylor University		
90	DL000089	DL000089	D. Lozano's Cover Letter to J. Garrison, Associate Athletic Director for Marketing, Baylor University		
91	BU_Lozano_0076395		Excerpt from BU Football vs. SMU Student-Athlete Guest List (September 4, 2015)		
92	BU_Lozano_0075440	BU_Lozano_0075440	Facebook Messages from D. Lozano to D. Chafin dated November 1, 2015		
93	BU_Lozano_0009032	BU_Lozano_0009033	D. Lozano's Statement to Municipal Court		
94	Dolores Lozano Deposition, Exhibit 23		Plaintiff's Original Petition, <i>Dolores Lozano v. Metropolitan Transit Authority of Harris County, Texas</i> , Cause No. 2018- 77452, In the District Court of Harris County, Texas, 157th Judicial District		

95	Dolores Lozano Deposition, Exhibit 29		Oral Deposition of D. Lozano, <i>Dolores Lozano v. Metropolitan Transit Authority of Harris County,</i> Texas, Cause No. 2018- 77452, In the District Court of Harris County, Texas, 157th Judicial District		
96	000001 000023 000029 000045 000055 000059 000063 000070 000072 000083 000091 000098 000107 000111 000127 000131 000136 000148	000006 000024 000032 000050 000056 000060 000064 000071 000073 000084 000096 000099 000108 000112 000128 000132 000139 000151	Affidavit of Custodian of Records and selection from documents produced by Nick Finnegan Counseling Center in response to subpoena from Baylor University		
97	000008	000035	Affidavit of Custodian of Records and selection from documents produced by Texas Children's Hospital Records for D. Lozano		
98	DL000611	DL000660	Affidavit of Custodian of Records and QualCare health records for D. Lozano		
99	000001 002607 001671	000015 (Key) 002653 (Cell) 002606 (SMS)	AT&T Custodian of Records Affidavit AT&T Key and Cell Phone Records and SMS Records for D. Lozano		

100	000002 000007 000014 000020 000022	000004 000008 000015 000026	Affidavit of J. Chafin and selected documents produced by J. Chafin in response to subpoena from Baylor University		
101	DL000068	DL000068	D. Lozano's Resume		
102	DL000765	DL000765	D. Lozano Gmail - Chat Message with D. Chafin and Photograph		
103	DL000758		D. Lozano's audio recording of phone call with L. Harris Williams		
104	2:13-20 3:14-24 6:19-21 8:21 (From "For me..." - 9:3		Transcript of audio recording at DL000758		
105	DL-Babcock 13		"Timeline for Baylor v Lozano"		
106	Produced via email on June 2, 2021		Dr. Jeff Temple Curriculum Vitae		
107	Produced via email on June 2, 2021		Expert Report of Dr. Jeff Temple and Appendix A		
108	Produced via Dropbox on June 4, 2021		Audio Recording of Dr. Jeff Temple's interview with D. Lozano		

B. Exhibits Baylor University May Offer If the Need Arises

Baylor University identifies the following exhibits without conceding that they are admissible and without waiving any right to contest the admissibility of these, or similar documents, at trial.

Baylor University reserves the right to use additional exhibits for rebuttal testimony and to supplement this exhibit list, if necessary, based upon Plaintiff's pretrial disclosures. The University further reserves the right to use any exhibits on Plaintiff's Exhibit List.

<u>Exhibit No.</u>	<u>Beg. Bates No.</u>	<u>End Bates No.</u>	<u>Description</u>	<u>Offered</u>	<u>Admitted</u>
109	BU_Lozano_0011681	BU_Lozano_0011689	Baylor University Campus Living & Learning Summer Institute 2010		
110	BU_Lozano_0011742		2010-2011 "Report It!" Folder		
111	BU_Lozano_0003579	BU_Lozano_0003600	Student Code of Conduct 2011-12		
112	BU_Lozano_0011743		2011-2012 "Report It!" Folder		
113	BU_Lozano_0001165		When Love Hurts program flyer		
114	PH_0225844		2011-2012 Sexual Assault Chart		
115	PH_0334418		Summer Training "The Realities of Sexual Assault" for Residence Hall Directors		
116	BU_Lozano_0011744		2012-2013 "Report It!" Folder		
117	BU_Lozano_0001259	BU_Lozano_0001259	Campus Living and Learning Training 2012 Schedule		
118	PH_0310654	PH_0310660	CL&L Leadership Training on Baylor Community Expectations, August 9, 2012		
119	BU_Lozano_0003601	BU_Lozano_0003628	Student Code of Conduct 2012-13		

120	BU_Lozano_0001365	BU_Lozano_0001366	CL Spring [Re]Training 2013 Schedule (January 2013)		
121	PH_0277637		2012-2013 Sexual Assault Chart		
122	BU_Lozano_0001158	BU_Lozano_0001162	2011 CL&L Training Schedule for CLs		
123	PH-0279206-279209		2013-2014 Sexual Assault Chart		
124	BU_Lozano_0001685	BU_Lozano_0001685	2012-13 Judicial Affairs Annual Statistics		
125	PH_0272755		Sexual Harassment & Assault Chart 2012-2013		
126	PH_0246757-765		Sexual Harassment & Assault Chart 2013-2014		
127	BU_Lozano_0002491	BU_Lozano_0002492	Sexual Assault Response Guide		
128	000001 000110	000057 (Cell) 000127 (SMS)	AT&T Custodian of Records Affidavit AT&T Key and Cell Phone Records and SMS Records for L. Lozano		
129	CITY 000644	CITY 000645	Waco PD Dashcam Footage		

130	CITY 000646	CITY 000647	Waco PD Detailed History for Police Sequence		
131			Dolores Lozano's Responses and Objections to Baylor University's First Interrogatories		
132			Dolores Lozano's Responses and Objections to Baylor University's Second Interrogatories		
133			Dolores Lozano's Responses and Objections to Baylor University's Third Interrogatories and First Request for Admissions		
134			Dolores Lozano's Responses and Objections to A. Briles's First Interrogatories		
135			Dolores Lozano's Amended Responses and Objections to A. Briles's First Interrogatories		
136			Dolores Lozano's Responses and Objections to I. McCaw's First Interrogatories		
137			Dolore Lozano's Amended Responses and Objections to I. McCaw's First Interrogatories		
138			Dolores Lozano's Amended Responses and Objections to Baylor University's Second Interrogatories		

139			Expert Report and Appendix of Dr. Julia Babcock		
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Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing pleading was served upon opposing counsel on September 15, 2023, via the Court's ECF/CMF electronic filing and service system as follows:

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